IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 8558 of 2005

Between :

Gaddam Babu, S/o. Mogalppa,
Huggeli Village, Zaheerabad Mandal, Medak District.

..... PETITIONER

A N D

1) Revenue Divisional Officer, Sanga Reddy, Medak District.
2) Mandal Revenue Officer, Zaheerabad Mandal, Medak District.

..... RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the respondents in seeking to fill up authorization of fair price shop of Huggeli Village, Zaherabad Mandal, Medak District pursuant to the notification in Proc. No. B2/367/05 dated 21-3-05 issued by the 1st respondent, without finalizing the case with regard to the dealership of the Petitioner in respect of the above fair price ship as being illegal, without jurisdiction and arbitrary and consequently direct the 1st respondent not to fill up the authorization in respect of the fair prices shop of the said village till the case of the petitioner for continuing authorization is decided by the 1st respondent and pass such other order or

orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

O R D E R :

This writ petition is filed to decare the action of the respondents in seeking to fill up authorization of fair price shop of Huggeli village of Zahirabad Revenue Mandal, Medak district, pursuant to the notification in Procdgs.No.B2/367/05, dated 21-3-2005 issued by the first respondent, without finalizing the case with regard to the dealership of the petitioner in respect of the above fair price shop as illegal, without jurisdiction and arbitrary and consequently direct the first respondent not to fill up the authorization in respect of fair price shop of Huggeli village till the case of the petitioner for continuing authorization is decided by the first respondent.

The case of the petitioner is that he was appointed as Fair Price Shop dealer by the first respondent in the year 1990 and since then he was supplying essential commodities to the villagers. On 24-12-1999 an inspection was made in respect of the fair price shop of the petitioner and at that time he was not available in the village and his wife was in the house and the authorities have inspected the shop and found that there were variations in the stock and on the basis of variations a case was registered under the provisions of Section 6-A of the Essential Commodities

Act.

By order dated 15-11-2002, the Joint Collector, Medak directed confiscation of 60% of the seized stock, the value of which is Rs.15,000/-. The petitioner submits that he could not represent his case before the Joint Collector, as he was not aware of the proceedings. In view of the orders dated 15-1-2002 passed by the Joint Collector, the stocks were not supplied to him and with regard to authorization no order was served upon him. The second respondent stated that since the amount was not paid, authorization is kept under suspension pending further orders of the first respondent.

Now the first respondent has issued notification calling for the applications in respect of fair price shop of Huggeli village and fixed the interview on 06-4-2005 at 11:00 a.m. Accordingly the petitioner made a representation on 02-4-2005 before the respondents and he was asked to pay Rs.16,891/- and the respondents further directed him to deposit at least Rs.10,000/- immediately. Thereupon, the petitioner deposited Rs.10,000/- on 02-4-2005 and requested them not to finalise the fair price shop in favour of any third person. Pursuant to the notification, the first respondent is finalizing the interview process without taking any steps or issuing any notice to him with regard to suspension or cancellation of his authorization.

Heard Sri K.Raghuveer Reddy, the learned counsel for the petitioner as well as the learned counsel appearing on behalf of Govt.Pleader for Civil Supplies for the respondents.

As seen from the record, the petitioner has not questioned the order dated 15-11-2002 passed by the Joint Collector, Medak, wherein 60% of the seized stocks were confiscated and the value of which stands at Rs.15,000/-. Now the petitioner submits that he could not represent his case before the Joint Collector, as he was not aware of the proceedings. Though he is not aware of that proceedings but Thereafter he has not filed any application to renew his licence and when the notification is issued by the first respondent he came forward with this writ petition. I see no merit in this writ petition and the writ petition fails.

In the result, the writ petition is accordingly dismissed. No costs.

APRIL 19th, 2005. ----------

I S L. ELIPE DHARMA RAO, J.

To

1) 2 CD copies

2) Revenue Divisional Officer, Sanga Reddy, Medak District.
3) Mandal Revenue Officer, Zaheerabad Mandal, Medak District.

4) The Govt.Pleader for Civil Supplies, High Court Buildings, High

Court of A.P., Hyderabad.

5) Sri K.Raghuveer Reddy, Advocate, H.No.3-5-170/A/A/3,

Narayanguda, Hyderabad.